

**United States Bankruptcy Court  
Northern District of Illinois, Eastern Division**

IN RE: Hector Espana, Jr.	)	Chapter 13
Jennifer Espana	)	Case No. 19 B 15429
Debtor(s)	)	Judge Timothy A Barnes

**Notice of Motion/Certificate of Service**

Hector Espana, Jr.  
Jennifer Espana  
464 Haber Ct  
Northlake, IL 60164

Debtor Attorney: Cutler & Associates Ltd  
via Clerk's ECF noticing procedures

On March 18, 2021 at 1:00 pm, I will appear before the Honorable Timothy A Barnes, or any judge sitting in that judge's place, and present this motion, a copy of which is attached.

**This motion will be presented and heard electronically using Zoom for Government.** No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

**To appear by video**, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

**To appear by telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

**Meeting ID and password.** The meeting ID for this hearing is 161 329 5276 and the password is 433658. The meeting ID and password can also be found on the judge's page on the court's website.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

I certify under penalty of perjury that this office caused a copy of this notice to be delivered to the persons named above by U.S. mail or by the methods indicated on or before Friday, March 5, 2021.

/s/ MARILYN O. MARSHALL  
MARILYN O. MARSHALL, TRUSTEE

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**Motion to Dismiss for Material Default**

Comes now Marilyn O. Marshall, Standing Trustee, and requests that this case be dismissed pursuant to 11 U.S.C. §1307(c), and in support thereof respectfully states the following:

1. The Debtors filed for Chapter 13 relief on May 30, 2019.
2. The Debtors' plan was Confirmed on August 8, 2019.

3. The Debtors' confirmed plan requires the debtor to submit tax returns and refunds to the Trustee starting with tax year 2019.
4. The Debtors have failed to tender either the 2019 tax return(s) or refund.
5. The failure to tender the tax return and refund constitutes a material default of the Debtors' confirmed plan.

WHEREFORE, the Trustee prays that this case be dismissed, and for any and all other relief this Court deems just and proper.

Office of the Chapter 13 Trustee  
224 S Michigan Ave  
Ste 800  
Chicago, IL 60604  
(312) 431-1300

/s/ MARILYN O. MARSHALL  
MARILYN O. MARSHALL, TRUSTEE